

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2351

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
RELATED TO CHAPTER 15.08 OF THE SNOHOMISH MUNICIPAL
CODE, DISCHARGE OF WASTES, REPEALING CURRENT CHAPTER
15.08; AND ENACTING AND ADOPTING A NEW CHAPTER 15.08.**

WHEREAS, the City owns and operates a Publicly Owned Treatment Works (POTW) for the purpose of collecting, treating and disposing wastewater produced within the City's wastewater service area; and

WHEREAS, the City has adopted a Sewer, Water, and Stormwater Code as Title 15 of the Snohomish Municipal Code and Chapter 15.08 Discharge of Wastes specific to discharges received by our POTW ensure safe and compatible discharge requirements across all business and industry within the City; and

WHEREAS, in May 1987, the City Council adopted Title 15 of the Snohomish Municipal Code relating to sewer and water connections and rates, utility installation, and other related areas that included Chapter 15.08 Discharge of Wastes; and

WHEREAS, Chapter 15.08 does not properly identify the discharge requirements and procedures, and contains provisions which are either outdated or not consistent with current practices;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal of Current Chapter 15.08. Current Snohomish Municipal (SMC) Chapter 15.08 (Discharge of Wastes) is hereby repealed in its entirety.

Section 2. Adoption of SMC Chapter 15.08. A new SMC Chapter 15.08 is hereby adopted as set forth in the attached Exhibit A and is incorporated herein by this reference.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five (5) days following passage and publication.

ADOPTED by the City Council and **APPROVED** by the Mayor this 16th day of May, 2018.


CITY OF SNOHOMISH

By John T. Kartak
JOHN T. KARTAK, MAYOR

ATTEST:

By 
PAT ADAMS, CITY CLERK

APPROVED AS TO FORM:

By 
GRANT K. WEED, CITY ATTORNEY

Date of Publication: 5-19-18

Effective Date: 5-24-18

Exhibit A

CITY OF SNOHOMISH

ORDINANCE 2351

DISCHARGE OF WASTE ORDINANCE

2018

Chapter 15.08
Pretreatment Ordinance
Title Page

15.08.010	Purpose and Policy	15.08.310	Notice of Significant Production or Discharge Changes
15.08.020	Definitions	15.08.320	Reports from Unpermitted Users
15.08.030	Abbreviations	15.08.330	Record Keeping
15.08.040	Administration	15.08.340	Timing
15.08.050	Prohibited Discharge Standards	15.08.350	Sampling Requirements for Users
15.08.060	Federal Pretreatment Standards	15.08.360	Analytical Requirements
15.08.070	State Pretreatment Standards	15.08.370	Inspection and Sampling
15.08.080	Local Limits	15.08.380	Monitoring Facilities
15.08.090	pH Effluent Limitations	15.08.390	Confidential Information
15.08.100	Right of Revision	15.08.400	Publication of Users in Significant Non-Compliance
15.08.110	Pretreatment Facilities	15.08.410	Publication of Violations and/or Enforcement Actions
15.08.120	Additional Pretreatment Measures	15.08.420	Vandalism
15.08.130	Deadline for Compliance With Applicable Pretreatment Requirements	15.08.430	Emergency Suspensions
15.08.140	Pretreatment Facilities for Fats, Oils and Grease (FOG)	15.08.440	Termination of Discharge (Non-Emergency)
15.08.150	Accidental Spill, Discharge or Slug Control Plan	15.08.450	Affirmative Defenses to Discharge Violations
15.08.160	Septic Tank Waste	15.08.460	Cost Recovery
15.08.170	Wastewater Discharge Permit Requirements	15.08.470	Enforcement
15.08.180	Special Agreement	15.08.480	Severability
15.08.190	Special Agreement Requirements	15.08.490	Conflicts/Repeal
15.08.200	Sewer Use Survey Form	15.08.500	Non-Liability
15.08.210	Special Agreement Decisions		
15.08.220	Special Agreement Contents		
15.08.230	Special Agreement Appeals		
15.08.240	Special Agreement Modification		
15.08.250	Special Agreement Transfer		
15.08.260	Special Agreement Revocation		
15.08.270	Special Agreement Renewal		
15.08.280	Periodic Compliance Report		
15.08.290	Hazardous Waste Notification		
15.08.300	Non-compliance Reporting		

15.08.010 -Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Snohomish and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are as follows:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or which are otherwise incompatible with the POTW
- C. To maintain a quality of wastewater treatment plant biosolids at a level which allows its use and disposal in compliance with applicable statutes and regulations
- D. To protect the POTW personnel who may be affected by wastewater, wastewater solids and biosolids in the course of their employment and to protect the general public
- E. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW as the opportunity becomes available and viable

15.08.020 -Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

Accessible: When applied to required pretreatment monitoring or treatment equipment, shall mean direct access without the necessity of removing any panel, door, vehicle, equipment, materials, or other similar obstruction.

Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

AKART: An acronym for "all known, available, and reasonable technology" methods (prevention, control and treatment) to prevent and control pollution of the waters of the State of Washington. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.

Applicable Pretreatment Standards: For any specified pollutant, Snohomish Municipal Code (SMC) Chapter 15.08 as amended, State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards (when applicable), whichever standard is appropriate and most stringent.

Approval Authority: The Washington State Department of Ecology.

Authorized Representative of the User:

- A. If the user is a Corporation:
 - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person, persons or board

of directors who performs similar policy or decision making functions for the corporation.

- B. If the User is a partnership, a limited liability company or a sole proprietorship: a general partner, manager or proprietor, respectively:
- C. If the User is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her authorized designee.
- D. The individuals described in paragraphs A through C above may, if so authorized by the entity's governing documents, designate another authorized representative if the designation is in writing. The designation must specify the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company. The written designation must be submitted to the City.

Average Daily Flow: The arithmetical average of the total Process Wastewater flow over a one (1) year period. This average shall be calculated based on days when flow occurs.

Best Management Practices (BMPs): A schedule of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 403.5(a)(1) and (b) of the Act .

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter amenable to measurement by the methods described in *Standard Methods for the examination of Water and Wastewater*, current approved edition; under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration [milligrams per liter(mg/L)].

Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by the US EPA in accordance with Sections 307(b) and (c) of the Act which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical User: A user covered by one of EPA's Categorical Pretreatment Standards.

City: City of Snohomish Washington.

Composite Sample: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Cooling Water/Non-Contact Cooling Water: Water used for cooling that does not come into direct contact with any material, raw sewage, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

Dangerous Waste: Any solid, liquid, or mixed waste defined according to WAC 173-303-080 through 110.

Department of Ecology (DOE): The Washington State Department of Ecology or authorized representatives thereof.

Discharge or Indirect Discharge: The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

Domestic Sewage: The liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment, into the POTW.

Domestic User or Residential User: Any person who contributes, causes, or allows the contribution of wastewater into the City's POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day at 250 mg/L of BOD and TSS.

Environmental Protection Agency (EPA): The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source: Any Categorical User that discharges wastewater to the POTW, which discharge commenced prior to the publication of proposed Categorical Pretreatment Standards that will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Existing User: Any non-Categorical User that is discharging wastewater prior to the effective date of this ordinance.

Fats, Oils and Grease (FOG): Those components of wastewater amenable to measurement by the methods described in *Standard Methods for the Examination of Water and Wastewater*. The term Fats, Oils and Grease shall include polar and non polar fats, oils and grease and other components extracted from wastewater by these methods.

Grab Sample: A sample that is taken at a specific spot at a site over a short period of time, a sample that represents a "snapshot" in both space and time of a sampling area.

Grease Trap: A device designed to retain grease from one to a maximum of four fixtures, with a maximum capacity of 50 gpm/100 lbs and a minimum of 20 gpm/40lbs.

High Strength Waste: Any water or wastewater having a concentration of BOD or TSS in excess of 300 mg/L, or having a concentration of Fats, Oil and Grease in excess of 200 mg/L.

Industrial User: Any and all liquid or water-borne wastes from industrial or commercial processes, except Domestic Sewage.

Inflow and Infiltration: A combination of water entering the sanitary sewer system through inappropriate connections (inflow) and groundwater entering sanitary sewers through defective

pipe joints and broken pipes (infiltration), causing dilution of sewage and decrease in efficient treatment.

Interceptor: A device designed and installed so as to separate and retain deleterious or undesirable matter from normal wastes and to permit normal liquid wastes to discharge by gravity.

Interference: A discharge that alone, or in conjunction with a discharge or discharges from other sources, either: 1) inhibits or disrupts the POTW, its treatment processes or operations; 2) inhibits or disrupts its biosolids (sludge) processes, use or disposal; 3) is a cause of a violation of any permit or that prevents the use or disposal of sewage sludge in compliance with any statutory/regulatory provisions or permits issued under the Clean Water Act, the Solid Waste Disposal Act, any state regulations contained in any state sludge management plan, the Clean Air Act, the Toxic Substances Control Act, and/or the Marine Protection, Research and Sanctuaries Act.

Local Limits: The maximum allowed levels to be discharged by industrial or commercial facilities as determined by the Publicly Owned Treatment Works' NPDES permit.

Maximum Allowable Discharge Limit: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time.

Medical Wastes: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Minor User: A User of the POTW identified by the City as having the potential to discharge a waste stream into the POTW, either singly or in combination with other Users that may have an undesirable impact on the POTW, but less impact than a Significant User.

New Source: Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source, provided that:

- A. The building, structure, facility, or installation is constructed at a site at which no other source is located;
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
- C. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located is not a "new source" if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (B) or (C) above, regardless of whether such construction otherwise alters, replaces or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:

- A. Begun or caused to begin as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment;
 - 2. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, that is necessary for the placement, assembly or installation of new source facilities or equipment.
- B. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, or design studies do not constitute a contractual obligation under this paragraph.

New User: Any Non-Categorical User that plans to discharge a new source of wastewater to the collection system after the effective date of this ordinance. This discharge may be from either a new or existing facility. Any person that buys an existing facility that is discharging non domestic wastewater will be considered an Existing User if no significant changes are made in the operation.

Non Categorical User: Any User other than a Categorical User as defined in 40 CFR Chapter 1, subpart N.

North American Industry Classification System or NAICS: A classification pursuant to the North American Industry Classification Manual issued by the United States Office of Management and Budget.

Notice: Whenever the word “notice” is used in this ordinance the term shall mean written notice whether the word “written” precedes the word notice or not. Use of the words “verbal or oral notice shall not mean written notice.

Oil/Water Separator: A device that allows oils mixed with water to become trapped in a holding section for removal, while the water is allowed to pass through for disposal.

Pass Through: A condition occurring when discharges from Users (singly or in combination) exit the POTW in quantities or concentrations that either: 1) causes a violation of any requirement of a City, NPDES, or State Waste Discharge Permit 2) causes an increase in the magnitude or duration of a violation 3) causes a violation of any water quality standard for waters of the State.

Person: Any individual, partnership, limited liability company, corporation, association, joint stock company, trust, estate, any federal, state or local governmental agency or entity, or any other entity whatsoever or their legal representative, agents, or assigns.

pH: A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant: Any substance discharged into the POTW or its collection system that if discharged directly would alter the chemical, biological, physical, or radiological integrity of the waters of the State as defined in RCW 90.48.020.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical,

chemical, or biological processes, by process changes, or by other means (except diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

Pretreatment Requirements: Substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

Pretreatment Standards (Standards): Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits established by the POTW.

Process Water: Wastewater that is neither sanitary, non-contact cooling water nor boiler blow down wastewater.

Prohibited Discharge Standard (Prohibited Discharge): The absolute prohibition against the discharge of certain substances listed in 15.08.050 of this ordinance.

Publicly Owned Treatment Works (POTW): A “treatment works” as defined by Sections 212 of the Act that is owned by the State or a Municipality. This definition includes all devices, facilities, or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant. The term also includes the City of Snohomish Wastewater Treatment Plant.

Septage: The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system. This includes liquids and solids from domestic holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

Settling Tank: Allows suspended particles to settle out of water or wastewater as it flows slowly through the tank.

Sewage: Human excrement and gray water (household showers, household dishwashing/laundry operations etc.).

Sewer: Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

Significant Industrial User (SIU) or Significant User:

A. A User subject to Categorical Pretreatment Standard

B. A User that:

1. Discharges an average of 25,000 GPD or more of Process Wastewater to the POTW;
2. Contributes a process waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW;
3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

C. Upon finding that a User meets the criteria in section 2 above and has no reasonable potential for adversely affecting the POTW’s operation or for violating any applicable requirement, the City may, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that said User should not be considered a Significant Industrial User.

Significant Non Compliance: A violation or pattern of violation of applicable pretreatment standards by a user.

Slug Load: Any discharge at a rate of flow or concentration that could cause a violation of this ordinance, or any discharge of a non-routine episodic nature including an accidental spill or a non customary batch discharge.

Snohomish County Health Department (Health Department): The Snohomish County Health Department or authorized representative thereof.

Special Agreement: A document authorizing a User to discharge wastewater to the City's POTW.

State: The State of Washington.

State Standards: The Washington pretreatment standards contained in RCW 90.48 and WAC 173-208.

Stormwater: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including, but not limited to snowmelt.

Total Suspended Solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, wastewater, or other liquid.

Toxic Pollutant: One or a combination of the pollutants listed as toxic in regulations promulgated by EPA under Section 307 of the Act, or other pollutants as may be promulgated by EPA.

Treatment Plant Effluent: The discharge from the POTW into waters of the State.

User: Any Person that utilizes any part of the POTW.

Wastewater: Liquid and waterborne industrial wastes or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or un-treated, that are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant: That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

Waters of the State: Rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the State of Washington.

Waters of the United States:

- A. All waters which are currently used were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- B. All interstate waters, including interstate "wetlands";
- C. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction which would affect or could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;
 3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- D. All impoundments of waters otherwise defined as waters of the United States under this definition;
- E. Tributaries of waters identified in paragraphs (A) through (D) of this definition;
- F. The territorial sea;
- G. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (A) through (F) of this definition. Waste treatment systems, including treatment ponds, or lagoons designed to meet the requirement of the Clean Water Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in water of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of this definition, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Zero Discharge Permit: A Permit for a Categorical User that operates its processes so that no Industrial Waste is discharged to the POTW.

15.08.030 -Abbreviations

The following abbreviations shall have the designated meanings:

AKART	All Known Available and Reasonable Technology
ASPP	Accidental Spill Preventions Plan
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CSO	Combined Sewer Overflow
DOE	Department of Ecology
EPA	US Environmental Protection Agency
FOG	Fats, Oils, and Grease
GPD	Gallons Per Day
gpm	Gallons Per Minute
L	Liter
LEL	Lower Explosive Limit
mg	Milligrams
mg/L	Milligrams per Liter
NSCIU	Non Significant Categorical Industrial User
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act

SIC	Standard Industrial Classifications
SIU	Significant Industrial User
SSO	Sanitary Sewer Overflow
SWDA	Solid Waste Disposal Act (42 USC 6901, et seq)
TSS	Total Suspended Solids
UPC	Uniform Plumbing Code
USC	United States Code

15.08.040 -Administration

The size, type and location of each interceptor, separator, trap, hydro-mechanical and engineered system designed to ensure adequate pretreatment of required wastes shall be in accordance with the current adopted edition of the Uniform Plumbing Code and Engineering Construction Standards, whichever is more stringent and will be administered by the City.

A permit is required for the installation and construction of all interceptors, separators, traps and/or engineered systems regulated under the Uniform Plumbing Code or Engineering Construction Standards.

15.08.050 -Prohibited Discharge Standards

- A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users' of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
- B. Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutant, substances or wastewater:
 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Any liquids, solids, or gases which by reason of their nature or quantity are or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) percent nor any single reading over ten (10%) percent of the lower explosive limit (LEL) of the meter;
 2. Wastewater having a pH range of less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one quarter inch (1/4"). Animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes in amounts that cause interference in the POTW. Fats, oils and grease in amounts that may cause obstructions or maintenance problems in the collection/conveyance system, or interference in the POTW;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C) unless the Approval Authority, upon the request of the POTW, approves alternate temperature limits;
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gasses, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants unless authorized by the City, and at discharge points designated by the City;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interactions with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, or cause a violation of the City's NPDES permit.
11. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the City in compliance with applicable State or Federal regulations;
12. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, (except occurring I&I as part of infrastructure that is addressed through regular and routine maintenance), unless specifically authorized by the City;
13. Any sludge's, screenings, or other residues from the pretreatment of industrial or commercial wastes or from industrial or commercial processes, except as authorized in writing by the City;
14. Medical wastes, except as specifically authorized in writing by the City;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test. Any wastewater containing toxic pollutants, as referenced in the Act, in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals or exceed limitations set forth in the National Categorical Pretreatment Standards, State standards or specific City limitations.
16. Detergents, surface-active agents, or other substances in amount which may cause excessive foaming in the POTW;
17. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;
18. Any wastewater, which in the opinion of the City can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under Special Agreement by the City (except that no special waiver shall be given from categorical pretreatment standards);
19. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained approval from the City, completed any sampling as may be required by the City and paid all fees assessed for being allowed to discharge;

20. Any hazardous or dangerous wastes as defined in rules published by the State of Washington (WAC 173-303) and/or in EPA rule 40 CFR Part 261;
21. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);
22. Any slug load;
23. Any substance which may cause the POTW's effluent or treatment residues, biosolids, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process;
24. The use of the treatment and controls located at the POTW for wastewater treatment required by a National Emission Standard for Hazardous Air Pollutants for Source Categories (NESHAP) under 40 CFR Part 63 is prohibited. The discharge of any untreated wastewater regulated by a NESHAP also is prohibited. The POTW does not and will not accept a NESHAP regulated waste stream nor provide treatment or controls as an agent for any Industrial User within the meaning of 40 CFR Part 63, including but not limited to 40 CFR Part 63.1595.

Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they are likely to be discharged to the POTW unless the user has in place an accidental spill prevention plan (ASPP)/slug control plan.

15.08.060 -Federal Pretreatment Standards

All Users shall meet the Categorical Pretreatment Standards as promulgated by the EPA pursuant to the Act. Adjustment to Categorical Pretreatment Standards may be made in accordance with 40 CFR Part 403.15. Alternative Categorical Pretreatment Standards may be derived in accordance with 40 CFR Part 403.6(e).

The National categorical pretreatment standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 are incorporated herein by reference as if set forth in full in this ordinance.

15.08.070 -State Pretreatment Standards

- A. State and local requirements and limitations on discharges to the POTW shall be met by all Users that are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations. State and local regulations require the use of all known, available, and reasonable technology methods of prevention, control and treatment.
- B. Any User determined by the City to qualify as a Significant Industrial User shall file an application for a State Waste Discharge Permit with DOE in accordance with the requirement of WAC 173-216-070. A copy of proof of acceptance of the application and payment of permit fees shall be provided to the City and kept at the User's facilities and available upon request by the City. Failure to submit the application or rejection of the application by DOE may be considered sufficient grounds to terminate or refuse to provide sewer service. Final determination will be made by the City.

15.08.080 -Local Limits

No User shall discharge wastewater containing materials in concentrations that exceed the following maximum allowable discharge limits: set forth in the City's NPDES Permit as it now reads or is hereafter amended. Said Permit shall be on file at Snohomish City Hall and shall be available for review during normal business hours.

- A. High Strength Wastes: Users of any waters or wastes containing higher than ordinary concentrations of compatible pollutants, including, but not limited to, oxygen demanding pollutants and suspended solids (Ordinary concentrations are defined as 300 mg/L for five-day BOD and suspended solids, 200 mg/L of FOG) may be required to discharge at a specific release rate or at a specified strength if, in the opinion of the City, the release of such waste in an uncontrolled manner could adversely affect the POTW.
- B. Fats, Oils, and Greases (FOG): No User shall discharge water or wastes containing in excess of 100 mg/L (maximum level) of FOG of animal or vegetable origin, or 50 mg/L (maximum level) of petroleum products, cutting oil, or mineral products of mineral oil origin whether or not emulsified.
- C. Dilution: No User shall increase the use of potable or process water in any way, or combine separate waste streams, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement. The City may request the DOE to impose mass limitations on Users that it believes may be using dilution to meet applicable pretreatment standards or requirement, or in other cases when the imposition of mass limitations is appropriate.

15.08.090 -pH Effluent Limitations

Users shall not have a discharge with a pH of less than 5.0 or more than 10.0. If at any time a User's discharge exceeds these limits for more than one (1) hour, it will be deemed a violation of this ordinance.

15.08.100 -Right of Revision

City reserves the right to establish in ordinance, wastewater discharge authorizations or special agreements, differing standards or requirements on discharges to the POTW.

15.08.110 -Pretreatment Facilities

- A. All general users shall provide all known, available and reasonable methods of prevention, control and treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitation specified by the EPA, the State or the City, whichever is more stringent.

Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense.

The City may establish Best Management Practices (BMPs) for particular groups of users. These BMP's may include, but are not limited to types or methods of pretreatment technology to be used, methods of source control, minimum maintenance requirements, drag out prevention practices, spill prevention practices, or other requirements as deemed necessary. The City may establish BMPs in lieu of numerical limits for non-categorical users.

When required by the City, an engineering report as required by, and complying with, WAC 172-240, including detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City

before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provision of this ordinance.

Within ninety (90) days after the completion of the wastewater pretreatment facility, the discharger shall furnish as built drawings and its operations and maintenance procedures (manual). Any subsequent significant changes in the pretreatment facility or method of operation shall be reported to and approved in writing by the City prior to the initiation of the changes. Such pretreatment facilities will be under the control and directions of an employee of the user trained and qualified to operate such system.

New sources and new users determined to be Significant Industrial Users (SIUs) must have pretreatment facilities installed and operating, if required, prior to discharge.

- B. Users who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, oils, lint or other materials which have the potential of causing partial or complete obstruction of the POTW shall, upon order of the City, install approved interceptors, oil/water separators, or tanks in accordance with specifications adopted by the City such that excessive amounts of oil, sand and inert solids are effectively prevented from entering the POTW.
- C. All grease interceptors, oil/water separators, settling tanks, grease and grit traps shall be properly installed, maintained and operated by the User at their own expense. The installation shall be kept in continuous operation at all times, and shall be maintained to provide efficient operation.

Cleaning must be performed by a service contractor qualified to perform such cleaning, or other qualified and trained personnel, and in a manner approved by the City. All material removed shall be disposed of in accordance with all state and federal regulations. Records and certification of maintenance shall be made readily available to the City for review and inspection, and must be maintained for a minimum of three (3) years. Maintenance records must include the date, action taken and who performed the maintenance. If a service contractor performed the maintenance the User must record the company's name, address, telephone number and name of operator.

If a failure to maintain or effectively operate grease interceptors, oil/water separators, settling tanks, grease and grit traps or any other approved pretreatment device results in partial or complete blockage of the POTW, or other parts of the City sewer system, or adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance by the City, or poses a possible health hazard, the User responsible for the facilities shall be subject to the remedies herein, including cost recovery, enforcement and penalties.

The User shall control production and/or discharges upon reduction, loss, failure or by-pass of the pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where among other things, the primary source of power to the treatment facility is reduced, lost, or fails.

- D. Each facility required to install and maintain a grease interceptor, oil/water separator, settling tank, grease trap and/or grit trap under this ordinance shall provide regular maintenance of

said device to the satisfaction of the City in accordance with the requirements set forth in this ordinance.

Each person who removes waste from the device shall, to the extent technically and mechanically possible, remove the entire contents and shall comply with the following:

1. All grease interceptors, oil/water separators, settling tanks, grease and/or grit traps shall be maintained by the User at the User's expense. Maintenance shall include the complete removal of all contents including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the device from which the waste was removed or any other device, for the purpose of reducing the volume to be hauled is prohibited.
2. All grease interceptors and oil/water separators must be pumped out completely once every six months, or more frequently if deemed necessary by the City. Exception to this minimum frequency of pumping may be made with written approval from the City for generators of small quantities waste.
3. All waste removed from each grease interceptor or oil/water separator must be disposed of at a facility permitted by the Health Department, or other appropriate agency, in the county in which the disposal facility is located. Under no circumstances shall the waste be discharged to any part of the POTW.
4. A log indicating each cleaning and/or pumping of a grease interceptor, oil/water separator, settling tank, grease and/or grit trap for the previous twelve (12) months shall be maintained by each User. This log shall include date, time, amount removed, employee or hauler, including name of operator(s) on site and disposal site and shall be kept in a conspicuous location for inspection by Health Department or City personnel. Logs will be maintained onsite and available for minimum of three (3) years.
5. The information required in the maintenance log shall be submitted to the City annually. The reporting period shall be from October 1 through September 30th of each year. The report shall be submitted within 30 days after the end of the reporting period. The City will send an annual reminder letter of this requirement to be mailed in September. The corresponding report is due to the City no later than October 31st each year.
6. Each grease interceptor, oil/water separator, settling tank, grease and/or grit trap cover shall be readily accessible for service and maintenance to ensure it is in good working and operating condition. The use of ladders or the removal of bulky equipment in order to service device shall constitute a violation of this ordinance. Location of all devices shall be shown on the approved building plan.

15.08.120 7. All grease interceptors, oil/water separators, settling tanks, grease and/or grit traps shall be provided with a sample box located at the outlet end so that periodic sampling of effluent quality can occur. -Additional Pretreatment Measures

- A. When determined necessary by the City, each User discharging into the POTW, shall install and maintain, on their property and at their expense, a suitable storage and flow-control facility to insure equalization of flow. The City may require the facility to be equipped with alarms and a rate of discharge controller, the regulation of which shall be determined by the City. A Special Agreement may be required solely for flow equalization.
- B. Grease Interceptors, oil/water separators, settling tanks, grease and grit traps shall be provided when, in the opinion of the City, they are necessary for the proper treatment of wastewater containing excessive amounts of grease, oil sand and/or grit, except that such devices will not be required for residential users. All devices will be of the type and capacity

approved by the City and shall be located to be easily accessible for cleaning and inspections. Such devices shall be installed, inspected, cleaned, and repaired regularly, as needed, by the User at their expense.

- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection system.
- D. When a new building is constructed without a tenant, and has any sewers which are intended to serve wastes other than sanitary or domestic waste, a treatment device approved by the City shall be installed.
- E. In the event pretreatment devices are no longer required, all equipment to be abandoned will be pumped and filled as required for abandoned sewers and sewage disposal facilities in accordance with Section 722 of the Uniform Plumbing Code and any other regulation or rules. If abandoning equipment in place is not feasible or an option, the alternative is to have equipment removed and disposed of separately. The City shall be provided a written report that stipulates the form of filling or removal that occurred, the date the work was completed and an as-built plan that indicates the location or previous location of equipment or piping filled in place or removed.

15.08.130 -Deadline for Compliance with Applicable Pretreatment Requirements

Compliance by existing sources covered by Categorical Pretreatment Standards shall be within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any categorical user when the local limits for said user are more restrictive than EPA's Categorical Pretreatment Standards. The City may establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards.

"New source" users and "new Users" of an existing facility, are required to comply with applicable pretreatment standards within the shortest feasible time not to exceed ninety (90) days from the beginning of discharge. "New sources" and "new Users" of a new facility shall install and have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standard before beginning to discharge.

Any existing user or a Categorical User that must comply with a more stringent local limit, which is in a state of non-compliance with any local limit, shall be provided with a compliance schedule placed in a Special Agreement to insure compliance within the shortest time feasible.

15.08.140 -Pretreatment Facilities for Fats, Oils and Grease (FOG)

- A. Pretreatment is required for newly constructed or remodeled meat cutting, processing and/or curing facilities, fish, fowl and animal slaughterhouses, tallow-rendering, fat-rendering, hide curing establishments, restaurants, cafes, lunch counters, bakeries, coffee stands, cafeterias, bars, clubs or hotels; hospital, sanitarium, factory or school kitchens; and other establishments that serve or prepare food where grease may be introduced into the sewer system including soap manufacturing, factory or hobbyist where FOG's are utilized or generated. All uses referenced herein shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease. Remodeled facilities with existing pretreatment devices that are determined by the City to be inadequate in size or functionality shall install adequately functioning and/or adequately sized devices.

All existing Users at the time of adoption of this ordinance that discharge wastewater containing fats, oils and greases of polar origin (animal or vegetable) and/or oil or grease of

non-polar origin (petroleum or mineral) in excess of 100 mg/L for polar origin and 50 mg/L for non-polar origin, shall meet the requirement for interception of grease, oils and fats by installing an approved grease interceptor, grease trap or oil/water separator within 90 days of the date of the correction notice as issued by the City. Timelines may be adjusted if approved in writing by the City.

- B. Requirements for waste discharge from fixtures and equipment in establishments that may contain grease, including, but not limited to, scullery sinks, pot and pan sinks, vent hood drains, soup kettles and floor drains located in areas where grease containing materials may exist, may be drained into the sanitary sewer only after such discharges are pretreated in an approved grease interceptor or trap in accordance with this section.

No sanitary wastes from toilets, urinals, or other similar fixtures may be discharged through a grease interceptor, grease trap. All other wastes shall enter the trap or interceptor through the inlet pipe only. The wholesale shredding of food wastes into any fixture that discharges to a grease interceptor or trap is prohibited.

- C. Pretreatment facilities designed for the prevention of discharge of fats, oils, and grease must be approved by the City in writing prior to installation, using UPC approved or nationally recognized alternate methods.
- D. All establishments that generate liquid or semi-solid polar oil or grease shall maintain a container on site for containment of liquid and semisolid oil or grease waste. This liquid or semi-solid oil or grease shall be transported to an approved rendering plant or other form of approved disposal as deemed acceptable by the City. In no case shall free liquid oil or grease be disposed of directly into fixtures that are connected to the sewer system. Unused butter, margarine, lard, or other solid grease products shall not be discharged into the sewer system through garbage disposals or other means. No exceptions to the prohibitions of this paragraph are allowed for fixtures that discharge to the sewer system through an approved grease interceptor or grease trap. Hauling and recycling of restaurant grease shall be accomplished by a facility holding a State Rendering Permit.

All establishments that generate non-polar oil or grease shall maintain a container on site for the containment of this waste. In no case shall free liquid oil or grease be disposed of directly into fixtures that are connected to the sewer system. No exceptions to the prohibitions of this paragraph are allowed.

- E. The use of any additive, such as enzymes, chemicals, or bacteria, as a substitute for installing grease interceptor or grease trap or the maintenance of grease interceptor or grease trap is prohibited, unless allowed by in writing by the City
- F. Each facility required to install and maintain a grease trap or grease interceptor under this ordinance shall provide regular maintenance of said device to the satisfaction of the City in accordance with the requirement set forth.

- 4. Each person who engages in grease waste handling shall maintain all vehicles, hoses, pumps, tanks, tools and equipment associated with grease waste handling in good repair, free of leaks, and in a clean and sanitary condition. All hoses and valves on grease waste handling vehicles or tanks shall be tightly capped or plugged after each use to prevent leakage, dripping, spilling or other discharge of grease wastes on any public or private property.

7. No person shall collect, transport or handle any hazardous material (as defined in any applicable EPA standard) in any vehicle used for grease waste handling.
8. In the event that the discharged effluent from the facility continuously exceeds the City's FOG discharge limits of 100 mg/L, or if the City's sewer system is adversely affected by the discharges, then the City may require installation of a grease trap, grease interceptor and/or additional pretreatment devices to ensure adequate removal of FOG.

15.08.150 -Accidental Spill, Discharge or Slug Control Plan

A. The City may require any User to install, properly operate, and maintain, at the User's expense, facilities to prevent slug loads or accidental discharges of pollutants to the POTW. The City may require Users to produce and/or implement spill plans developed in compliance with applicable OSHA, Health, Fire, and the DOE regulations applicable to discharges to the POTW. When such plans are required by the City they shall contain at least the following elements:

1. A description of all wastewater discharge practices, including non-routine batch discharges
2. A description of any and all stored chemicals
 - a. SDS Sheet would be acceptable at a minimum
3. Procedures for immediately notifying the City of any accidental or slug load discharges, with procedures for follow-up written notification within five (5) days
4. Procedures to prevent adverse impact from any accidental or slug load discharge, including, but not limited to, the following: inspection, and maintenance of chemical storage areas, handling and transfer of materials, loading and unloading operations, control of runoff, worker training, construction of containment structures or equipment, and measures for emergency response.

B. Users shall notify the Lead Operator of the Wastewater Treatment Plant during business hours from 7:00 am to 3:30 pm, or City Hall after hours from 3:30 pm to 7:00 am and all holidays immediately upon the occurrence of a slug load or accidental discharge of substances prohibited or regulated by this ordinance and take immediate actions to correct the situation. Notification made in person or by telephone call shall be followed by submitting a written report, to the City, that contains the following information within five (5) days. Such notification shall include:

1. Location of discharge
2. Date and time thereof
3. Type of waste
4. Waste concentration and volume
5. Corrective actions taken and planned

Signs shall be permanently posted in conspicuous places on the User's premises advising employees who to call and the above-referenced telephone number in the event of a slug load or accidental discharge. Employers will instruct all employees, who may cause or discover such discharge, of the notification procedures.

Any User responsible for an accidental discharge or slug load of prohibited or regulated material shall be liable for any expenses, loss, or damage to the sewer system and POTW, in addition to the amount of any fines imposed by the City. The User may also be responsible for reimbursing the City any fines or penalties issued under State or Federal statute.

15.08.160 -Septic Tank Waste

Residential/domestic septic tank waste may not be introduced into the POTW either at the Wastewater Treatment Plant or at any other site within the Collection System. Such waste will be considered a violation of this ordinance and any other applicable requirement established or adopted by the City.

15.08.170 -Wastewater Discharge Permit Requirements

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the DOE. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining a wastewater discharge permit does not relieve the User of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of Federal, State and local law including, but not limited to this ordinance.
- B. The City may require other users to enter into Special Agreements (as deemed necessary by the City) to carry out the purposes of this ordinance.
- C. Copies of all correspondence, testing results, reports, permit applications and/or letters between the User and the DOE will be provided to the City within fifteen (15) days of the correspondence.

15.08.180 -Special Agreement

- A. The City may enter into Special Agreements with Users to authorize discharges compatible with the POTW at concentrations greater than those typical of domestic wastewater. Users with BOD or TSS levels higher than 300mg/L or FOG higher than 200mg/L must have such an agreement before commencing discharge. Within such agreements, the City may establish terms of the User's discharge to the POTW including maximum flow rates, and concentration. The City may also establish fees to recover costs associated with treating such wastes and monitoring schedules in such agreements. In no case will a special agreement waive compliance with state or federal pretreatment standards or requirements including Categorical Standards.
- B. Users discharging or intending to discharge pollutants other than BOD and TSS in a significant amount, and claiming compatibility must prove, to the satisfaction of the City, that such pollutants are compatible with the POTW. The City may require any claim of compatibility to be approved by the DOE in writing.
- C. The City reserves the right to enter into Special Agreements with Users that the City feels may be a Minor User, SIU, Middle Tier SIU, Non-Significant SIU or Zero Discharge SIU setting out different terms under which a User may discharge. The User may request a net gross adjustment to a Categorical Standard, in accordance with 40 CFR 403.15, they may also request a variance from the categorical pretreatment standard from the DOE in accordance with 40 CFR 403.13.

15.08.190 -Special Agreement Requirements

- A. No User required by the City to enter into a Special Agreement shall commence or continue to discharge wastewater into the POTW without first obtaining a Special Agreement from the City. Any breach of the terms and conditions of a Special Agreement shall be deemed non-compliance with this ordinance and subject to the sanctions set out in this ordinance.

Obtaining a Special Agreement does not relieve a User of its obligations to comply with all Federal and State pretreatment standards or requirements or with any other requirements of federal, state and local law, including, but not limited to this Ordinance.

- B. All Users required to obtain a Special Agreement shall submit to the City a completed Sewer Use Survey in a form prescribed by the City.
- C. New sources, sources that become a User subsequent to the promulgation of an applicable categorical pretreatment standard, and “new Users” that are determined to be SIU, at least 90 days prior to the anticipated start-up shall apply for a Waste Water Discharge permit as may be required by the State and will submit to the City a completed Sewer Use Survey Form to determine the need to enter into a Special Agreement with the City.

15.08.200 -Sewer Use Survey Form

- A. The City shall periodically notify new, existing and potential Users of the requirement to complete a Sewer Use Survey form. Upon notification, Users shall fully and accurately complete the survey form and return the completed form to the City within thirty (30) days of receipt. Each User shall maintain a copy of the latest completed survey form at their place of business. Failure to fully or accurately complete a survey form, or to maintain the latest survey form on the premises where a wastewater discharge is occurring, shall constitute non-compliance and a violation of this ordinance.

15.08.210 -Special Agreement Decisions

The City will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a completed Sewer Use Survey form, the City will determine whether or not to authorize a Special Agreement. Upon a determination to so authorize, the Special Agreement shall be executed within thirty (30) days of full evaluation and acceptance of the data. The City shall deny any request for a Special Agreement for discharges that may detrimentally impact the POTW. The City Council hereby delegates authority to the City Mayor, Public Works Director and City Engineer to execute and enter into Special Agreements on behalf of the City.

15.08.220 -Special Agreement Contents

Special Agreements shall include such conditions as are deemed necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate biosolids management and recycling, and protect against damage to the Wastewater Treatment and Collection System.

Special Agreements may contain but are not limited to the following conditions:

- A. A statement that indicates the Special Agreement duration, which shall not be less than one (1) year and not to exceed five (5) years.
- B. A statement that the Special Agreement is non-transferable and non-assignable without prior notification to and written approval of the City.
- C. Applicable pretreatment standards and requirements, including any special requirements.
- D. Any self-monitoring, sampling, reporting, notification, education and record keeping requirements.

- E. A statement of applicable administrative penalties for non-compliance with the Special Agreement requirements, and pretreatment standards and requirements. This shall not be construed as a waiver of any penalties set forth in this ordinance.
- F. Limits on the average and/or maximum rate of discharge, and time of discharge.
- G. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- H. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- I. Any other special provisions the City deems are consistent with the purposes of this Ordinance.
- J. Other conditions as deemed appropriate by the City to insure compliance with this ordinance.

15.08.230 -Special Agreement Review

Any User may petition the City Public Works Department in writing to review and consider modification of the terms of their Special Agreement subject to the following:

- A. Submission of a written request for review alone shall not constitute a basis for non-compliance with any provision of a Special Agreement.
- B. In the petition, the appealing User must indicate the Special Agreement provisions objected to, the reasons for this objection, and the alternative condition and language, if any, it seeks to place in the Special Agreement.
- C. Compliance with the terms of the Special Agreement shall not be revised or stayed pending the request for review.
- D. The Public Works Director shall appoint appropriate staff to consider the petition for review. Such staff will make a recommendation to the Public Works Director whose decision to allow revision to a special agreement shall be final.

15.08.240 -Special Agreement Modification

By written amendment the City and User may modify the Special Agreement for good cause including, but not limited to, the following:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Special Agreement execution;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the discharge authorized with the Special Agreement;
- D. Information indicating that the discharge authorized poses a threat to the POTW, City personnel, or the receiving waters;
- E. Non-compliance with any terms or conditions of the Special Agreement;
- F. Misrepresentation or failure to fully and accurately disclose all relevant facts in the Sewer Use Survey form or in any required reporting;
- G. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

15.08.250 -Special Agreement Transfer

Special Agreements may be assigned or transferred to a new owner and/or operator only if the User gives at least thirty (30) days written notice to the City and the City approves the Special Agreement transfer or assignment. The notice to the City shall include a written certification by the new owner and/or operator that includes:

- A. A statement signed by the User and the transferee or assignee that the transferee/assignee has no immediate intent to change the facilities operations and processes;
- B. Identify the specific date on which the transfer or assignment is to occur;
- C. Written acknowledgement by the transferee/assignee of full responsibility for complying with the existing Special Agreement.

Failure to provide advance written notice of transfer or assignment renders the Special Agreement void as of the date of the facility transfer.

Provided that the above occurs and that there are no significant changes to the operation and process, or wastewater discharge, the transferee or assignee and the new owner and/or operator will be considered an existing User and be covered by the existing limits and requirements in the previous owner/operators Special Agreement.

15.08.260 -Special Agreement Revocation

Special Agreements may be revoked for any of the following reasons:

- A. Failure to notify the City in writing of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior written notification to the City of changed conditions;
- C. Misrepresentation or failure to fully and accurately disclose all relevant facts in the Sewer Use Survey form;
- D. Refusing to allow the City timely access to the facility premise and records;
- E. Failure to meet discharge limitations;
- F. Failure to meet a compliance schedule;
- G. Failure to complete and submit a Sewer Use Survey when required;
- H. Failure to provide advance written notice of the transfer or assignment of a facility currently holding a valid Special Agreement;
- I. If the City has to invoke its emergency provision as cited in this ordinance;
- J. Non-compliance with any pretreatment standard or requirement, or any terms of the Special Agreement or this ordinance;
- K. Any other reason that may impair the health of the general public, City personnel or the POTW.

15.08.270 -Special Agreement Renewal

A User who is required to have a Special Agreement, shall apply for a Special Agreement renewal by submitting, at a minimum, a completed Sewer Use Survey in a form prescribed by the City, in accordance with this ordinance, a minimum of 180 days prior to the expiration of the existing Special Agreement.

A User, whose existing Special Agreement has expired and has submitted their renewal request in the time period specified, shall be deemed to have an effective Special Agreement until the City executes or denies the new Special Agreement.

A User, whose existing Special Agreement has expired and who fails to submit their renewal request in the time period specified, will be deemed to be discharging without a valid Special Agreement and considered to be in violation and in non-compliance with this ordinance.

15.08.280 -Periodic Compliance Report

The City may require reporting by any User if information or data is needed to establish a sewer charge, determine the treatability of the discharge by the POTW, determine the need for a Special Agreement, or determine any other factor that is related to the operation and maintenance of the POTW.

15.08.290 -Hazardous Waste Notification

Any User that is discharging 15 kilograms of hazardous wastes as defined in 40 CFR 261 in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(c) is required to provide a onetime notification in writing to the City, EPA Regional Waste Management Division Director and the Hazardous Waste division of the DOE.

Any User exempt from this notification shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of 15 kilograms or more of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the POTW.

Any User discharging 100 kilograms or more of hazardous waste in any calendar month to the POTW where the pollutants are not reported through self-monitoring under an applicable State Waste Discharge Permit and/or Special Agreement, shall report discharge to both the City and the DOE.

All notifications shall be in writing and will include the following information:

- A. The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number;
- B. The specific hazardous constituents;
- C. The estimated mass and concentration of such constituents in the waste streams discharged during the calendar month;
- D. The type of discharge (continuous, batch, or other);
- E. The estimated mass of dangerous waste constituents in the waste stream expected to be discharged in the following twelve (12) months.

These notification requirements do not apply to pollutants already reported under any self-monitoring requirements in a State Discharge Permit.

Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a User shall notify the City of the discharge of such a substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, a User shall certify under oath that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

15.08.300 -Non-compliance Reporting

If monitoring/sampling performed by a User indicates a violation, the User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

The User is not required to resample if:

- A. The City performs sampling at the User's site at a frequency of at least once per month or;
- B. The City performs sampling at the User's site between the time when the User performs their initial sampling and the time when the User receives the results of their sampling.

15.08.310 -Notification of Significant Production or Discharge Changes

Any User operating under a Special Agreement with the City incorporating mass or concentration limits based on production levels shall notify the City in writing within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not providing a notice of such anticipated change will be required to comply with existing limits contained in the Special Agreement.

All Users shall promptly notify the City in writing in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic Hazardous Wastes for which the User has submitted initial notification, as required in 40 CFR 403.12(p)

15.08.320 -Reports from Unpermitted Users

All Users not required to obtain a Wastewater Discharge Permit or enter into a Special Agreement with the City, shall provide appropriate reports to the City as may be required.

15.08.330 -Record Keeping

Users subject to reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities and monitoring devices, including maintenance and quality control records, required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements.

Records shall, at a minimum include:

- A. The date, exact place, method and time of sampling (including names of the person(s) taking the sample);
- B. Dates analyses were performed;
- C. Who performed the analyses;

- D. The analytical techniques or methods used;
- E. The results of such analysis;
- F. Dates of flow or monitoring equipment calibration and equipment maintenance (including names of the person(s) performing the calibration and/or maintenance).

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or POTW, or where the User has been specifically notified of a longer retention period.

15.08.340 -Timing

Written reports and/or correspondence will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report and/or correspondence shall govern. Hand delivered reports and/or correspondence shall be date stamped by the City and such date shall be considered the date of submittal.

15.08.350 -Sampling Requirements for Users

Whenever a User is required to collect samples for analysis, the requirements listed below shall be followed.

A minimum of four (4) grab samples within a 24-hour period must be used for pH, cyanide, total phenols, sulfide and volatile organics. For oil and grease, one (1) grab sample during normal operations of the facility will be sufficient. The City will determine on a case-by-case basis whether the User will be able to composite the individual grab samples. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The City may waive flow-proportional composite sampling for any User that demonstrates, to the satisfaction of the City, that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

For non-significant Users, samples should be taken immediately downstream from a point where any, and all, industrial waste streams from the facility are combined, or at a point determined by the City and/or contained in a Special Agreement.

All sample results shall indicate the time, date and location of sampling. It shall also include methods of analyses. All sampling and analyses shall be representative of normal work cycle and expected pollutant discharges from the User.

15.08.360 -Analytical Requirements

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

All analyses performed to establish compliance and used in compliance reporting (with the exception of flow, pH, and % explosivity) shall be performed by a laboratory accredited by the

DOE, Quality Assurance Division in accordance with WAC 173-50. Laboratories must be accredited for the analyses for which they are performing.

The City will follow the same procedures as listed above.

15.08.370 -Inspection and Sampling

The User shall allow the City reasonable and timely access to facilities and records to ascertain whether the provision of this ordinance, and any Special Agreement or order issued hereunder, are being met and whether the user is complying with all requirements thereof. Users shall allow the City ready access to all parts of the premises for the purpose of inspections, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.

The City shall have the right to set up on the User's property, or require the installation of, such devices as are necessary to conduct sampling and/or metering of the User's discharge.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal requests of the City and shall not be replaced. The cost of clearing such access shall be borne by the User.

Unreasonable delays in allowing the City access to the User's premise shall be considered in non-compliance with this ordinance.

15.08.380 -Monitoring Facilities

When required by the City, each User shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of the discharge to the POTW. Each monitoring facility shall be situated on the User's premises. If such a location would be impractical or cause undue hardship on the User, the City may concur with the facility being constructed in the public right of way, providing that the facility is located such that it will not be obstructed by landscaping or parked vehicles. The City, whenever applicable, may require the construction and maintenance of sampling facilities at other locations where appropriate.

There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User

All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications and City requirements as deemed necessary.

The City may require the User to install monitoring equipment as necessary. All devices used to measure wastewater flow shall be calibrated at least annually or as deemed necessary by the City to ensure accuracy. Any other continuously monitoring device shall be calibrated on a monthly basis.

The User shall maintain an operation and maintenance manual for each piece of monitoring equipment and each monitoring facility that is required by their Discharge Permit or Special Agreement.

15.08.390 -Confidential Information

Information and data on a User obtained from reports, site surveys, Sewer Use Survey form, Special Agreement, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production that are exempt from disclosure under the Public Records Act - Chapter 42.56 RCW, or as hereafter amended.

When requested and demonstrated by the User furnishing a report that such information should be held confidential, the City shall make reasonable efforts to protect the portions of a report which might disclose trade secrets or secret processes from inspection by the public. Such information, however, shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

15.08.400 -Publication of Users in Significant Non-Compliance

The City may publish annually, in the largest daily newspaper published in the area where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term Significant Non-Compliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined her as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement that the City believes has caused, alone or in combination with other discharges from the same User, interference or pass through (including endangering the health of City personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical

- pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance;
- H. Any other violation(s) that the City determines will adversely affect the operation or implementation of the local pretreatment program.
- I. Any violation of breach of any condition contained within a "Special Agreement".

15.08.410 -Publication of Violations and/or Enforcement Actions

The City may publish violations and/or enforcement actions at any time, where monetary fines may be inappropriate in gaining compliance, or in addition to monetary fines. Violations and/or enforcement actions may also be published when the City feels that public notice should be made, or at other appropriate times. The cost of such publications will be recovered from the User.

15.08.420 -Vandalism

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the sewer system or the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this ordinance.

15.08.430 -Emergency Suspensions

The City may immediately suspend a User's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health, safety or welfare of persons or property.

The City may also immediately suspend a User's discharge (after informal notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or termination of water service to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals, property and/or the environment.

The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed. If the City does not allow the User to recommence its discharge within fifteen (15) days of the emergency suspension the City shall initiate termination procedures as referenced in this ordinance.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension or other emergency action under this section.

15.08.440 -Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 15.08.260 of this ordinance, any User that violates the following conditions will be subject to discharge termination:

- A. Violation of Special Agreement conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operation or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premise for the purpose of inspection, monitoring or sampling;
- E. Violation of the pretreatment standards outlined in this ordinance.
- F. Failure to provide advance notice of Special Agreement transfer as stated in Section 15.08.250 of this ordinance;
- G. Failure to properly renew the Special Agreement as stated in Section 15.08.270 of this ordinance.

User's will be notified of the proposed termination of discharge and offered an opportunity for a hearing before the City Hearing Examiner pursuant to this ordinance and SMC Chapter 14.95 to dispute the proposed termination action. Initiation of a termination proceeding by the City shall not be a bar to, or a prerequisite for, taking any other action against the User. The Hearing Examiner as specifically authorized to conduct such hearings and is authorized to enter written findings, conclusions and a decision based on the criteria set forth in SMC 15.08.440 A-G above and SMC 15.08.260.

15.08.450 -Affirmative Defenses to Discharge Violations

For the purpose of this section "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operation error, improperly designed facilities, inadequate facilities, lack of preventative maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of the next paragraph are met.

A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An upset occurred and the User can identify the cause(s) of the upset;
- B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- C. The User has submitted the following information to the City and the Wastewater Treatment Plant Operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided to the City within five (5) days):
 - 1. A description and location of the indirect discharge and cause of non-compliance;

2. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue;
3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance;
4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof;
5. A User may appeal any enforcement action due to an upset as provided under this ordinance;
6. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in section 15.08.050 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with other discharges from the same User, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference;
- B. No local limit exists, but the discharge did not change substantially in nature of constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

For the purpose of this section "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility and "Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of sections A and B that follow:

- A. If a User knows in advance of the need for a bypass, it shall submit prior written notice to the City, at least ten (10) days before the date of the bypass, if possible.

A User shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided to the City within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain the following:

1. A description of the bypass and its cause;
2. The duration of the bypass including exact dates and times;
3. If the bypass has not been corrected, the anticipated time it is expected to continue;

4. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

The City may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

B. Bypass is prohibited and the City may take an enforcement action against a User for bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance;
3. The user submitted notices as required under paragraph (A) above.

15.08.460 -Cost Recovery

By resolution of the City Council the City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program. The City reserves the right to change existing and/or implement new fees and charges.

All charges will be collected by direct billing. Unless the City has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within thirty (30) days of the billing. Charges past due will be considered a violation of this ordinance. Users not paying within sixty (60) days of the billing period will be subject to termination of service.

These fees relate solely to the matters covered by this ordinance and are separate from all other rates or charges for sewer service, provided that the City shall collect said charges in the same manner as other sewer utility rates are collected, including but not limited to the sewer lien procedures provided under 35.67 RCW.

Fees and charges that may be assessed include but are not limited to the following:

- A. All fines, charges and fees associated with executing enforcement actions that may be incurred will be assessed including cost of collection and analyzing a User's discharge, and fee's for monitoring, inspection, surveillance and enforcement procedures;
- B. Costs of preparing administrative enforcement actions, such as notices and orders, including the cost of additional inspections, sampling, analysis and monitoring;
- C. Reasonable attorneys' fees, court costs, and other expenses including the cost of any actual damages;
- D. Including fees for Special Agreements, the cost of processing the forms, public notice, issuing and administering the Agreement and reviewing monitoring reports submitted by the User, renewing, modifying or transferring Agreements;

- E. Any expenses incurred due to non-compliance by a User, including but not limited to; costs of opening a plugged sewer, costs of repairing a damaged sewer, costs of determining the cause of a SSO or CSO, and costs of cleaning up and mitigating a SSO or CSO;
- F. Any User found liable of a violation of this ordinance will be responsible for all expenses including loss, damage, and any other liability which may be incurred to the City as a result of fish kills, damage to person or property or damage to the POTW. This is in addition to any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

15.08.470 -Enforcement

Violations of this ordinance shall be enforced pursuant to SMC 1.14 as applicable, except as otherwise provided herein.

If the City has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this ordinance or any wastewater discharge permit or Special Agreement or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City shall seek issuance of a search and/or seizure warrant from any court with jurisdiction to issue such warrant. Except in the case of emergency such warrant shall be served at reasonable hours by the City and may be accomplished in the company of a uniformed police officer of the City.

15.08.480 -Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

15.08.490 -Conflicts/Repeals

In the event of conflicts with any provision or enforcement of this ordinance with another ordinance adopted by the SMC, this ordinance will supersede all others only where directly applicable under this ordinance.

15.08.500 -Non-Liability

It is not the intent of this ordinance to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms or requirements of this ordinance.

It is the specific intent of this ordinance to place the obligation of complying with these regulations upon the applicant or Discharger and no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers, employees or

agents, except as provided under the Act or other related statutes of the United States or the State of Washington.

Nothing contained in this ordinance is intended to be nor shall be construed to create or form the basis for any tort liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of an applicant or Discharger to comply with the provision of this ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connections with the implementation or enforcement of this ordinance, or inaction on the part of City related in any manner to the implementation or the enforcement of this ordinance by its officers, employees or agents.